

attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above, **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).

- b. ☐ **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** The Debtor has contacted the court and requested an emergency hearing on less than 48-hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
- c. ☐ **Hearing Requested on Shortened Notice under LBR 9075-1(b):** The Debtor has filed a separate motion asking the court to set a hearing on shortened notice, titled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice. The deadline to file and serve a written response will be contained in this document. If the court denies the Application, the Debtor will provide written notice of a regular hearing date or other proposed disposition of this motion.
- d. ☐ **Hearing Set on Regular Notice; Notice Provided Under LBR 9013-1(c):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(c). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above **no later than 14 days prior to the hearing**. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-scheduling procedures [LBR 9013-1(b)].
- e. ☐ **Other (specify):** _____

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

MOTION FOR ORDER EMPLOYING PROFESSIONAL [LBR 2014-1]

(a) EMPLOYING PROFESSIONAL

- (1) In order for the Debtor to effectively reorganize, the Debtor must employ the following professional: _____ effective as of (date) _____.
(A separate motion is required for each professional)

Type of Professional	Name of Proposed Professional

- (2) The following information and documents are provided in support of this Motion:

(A) The Debtor seeks to employ this professional pursuant to: ☐ 11 U.S.C. § 327 or ☐ 11 U.S.C. § 328.

(B) The Debtor has selected this professional because the proposed professional is well qualified to represent the Debtor in this proceeding and for the following additional reasons:

(C) The professional services to be rendered include (*check all that apply*):

- (i) ☐ Providing the Debtor with legal advice with respect to the Debtor's powers and duties as the Debtor in the continued operation of the Debtor's business and management of property;
- (ii) ☐ Assisting the Debtor in the investigation and determination of the estate's assets and liabilities;
- (iii) ☐ Preparing necessary applications, answers, motions, orders, reports and/or other legal papers on behalf of the Debtor;
- (iv) ☐ Assisting in the collection of all accounts receivable and other claims that the Debtor may have;
- (v) ☐ Providing advice, as counsel, concerning the claims of secured and unsecured creditors, prosecution and/or defense of all actions relating thereto;
- (vi) ☐ Preparing, prosecuting and attaining confirmation of a plan of reorganization in these proceedings;
- (vii) ☐ Assisting the Debtor and general counsel with litigation matters that may arise during the pendency of the case. Specific litigation matters are detailed in a declaration of proposed professional attached to this Motion;
- (viii) ☐ Preparing income and expense reports, tax returns, monthly operating reports and providing data necessary for interim statements and operating reports;
- (ix) ☐ Providing real estate brokerage services;
- (x) ☐ Other (*specify*): _____

- (D) A declaration of the proposed professional is attached providing information on the following: identification/qualifications; statement of professional regarding disinterestedness or describing involvement with the Debtor; and compensation arrangements.
- (E) A declaration of the Debtor as to the source, amount and date of prepetition retainer paid to the professional and provisions for replenishment, if any, is attached. No liens against the retainer have been granted in favor of the professional or any other party.

(b) SHORTENING THE INTERVAL BETWEEN FILING INTERIM FEE APPLICATIONS

- ☐ The Debtor requests authorization to file interim fee applications in this case _____ days apart for the professional whose employment is being sought by this Motion. See 11 U.S.C. § 331.

A declaration of the professional whose employment is being sought in support of setting the interim fee application period less than 120 days apart is attached hereto.

(c) AUTHORIZING INTERIM FEE APPLICATIONS TO BE NOTICED USING LBR 9013-1(o)

- ☐ The Debtor requests authorization to use the procedures set forth in LBR 9013-1(o) regarding Notice of Opportunity to Request Hearing when requesting approval of interim fee applications for the professional whose employment is being sought by this Motion.

WHEREFORE, the Debtor respectfully requests that it be authorized to employ and appoint the professional to represent the Debtor in this proceeding and any additional relief requested above.

Date: _____

By: _____
Signature of attorney for Debtor, if any

Name: _____
Printed name of attorney for Debtor, if any

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

**DECLARATION OF PROPOSED PROFESSIONAL IN SUPPORT
OF MOTION FOR ORDER EMPLOYING PROFESSIONAL**

I, (*print name*) _____, have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto.

A. Identification/Qualifications

1. ☐ I am a licensed (certified) _____.

2. I, and the firm (the Firm) of which I am a member, (*name of Firm*) _____, maintain our principal offices at _____

3. I believe that I am qualified to represent the Debtor. A copy of my resume is attached as **Exhibit 1**.

a. ☐ I have previously represented at least _____ chapter 11 debtors and in _____ of those cases, I prepared a chapter 11 plan and obtained an order confirming the plan.

b. ☐ I cannot check box 3.a. but I believe that I should be allowed to represent this Debtor because (*specify*): _____

B. Statement of Disinterestedness

4. The Firm and I are "disinterested persons" within the meaning of 11 U.S.C. § 101. Neither the Firm nor I (a) is a creditor, an equity security holder, or an insider of the Debtor; (b) is or was, within 2 years before the date of the filing of the petition, a director, officer or employee of the Debtor; or (c) have an interest materially adverse to the interest of the estate, the Debtor or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor, or for any other reason.

5. Except as indicated below and other than representing the Debtor in this case, neither the Firm nor I ever represented the Debtor, and neither the Firm nor I have any connection with the Debtor, any insider of the Debtor, or insider of an insider of the Debtor, any creditor of the Debtor or any other party in interest herein, the United States trustee, persons employed by the United States trustee or any of their respective attorneys or accountants. Other information relevant to relationships with the Debtor is as follows (*specify*): _____

6. Neither the Firm nor I hold any prepetition claim against the estate.

7. Neither the Firm nor I have made any arrangements for the sharing of fees with any other person.

C. Compensation Arrangements

8. Prior to the chapter 11 petition filing date, the Firm and I received \$_____ from
☐ Debtor ☐ Other (*specify*): _____

9. Pursuant to the Debtor's initial retainer agreement, the Debtor agreed to pay for services as they were performed. A true and correct copy of the Retainer Agreement is attached hereto as **Exhibit 2**.

10. The Firm and I will comply with the appropriate employment guidelines and fee guidelines in withdrawing the prepetition retainer funds, if any.

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

11. THE FIRM'S HOURLY RATES ARE:

Partner, primary/lead counsel	\$ _____ per hour
Associate attorney	\$ _____ per hour
Law clerks/paralegal	\$ _____ per hour

12. THE FIRM'S EXPENSE REIMBURSEMENT RATES ARE:

Fax in & fax out	\$0.10 per page
Messenger	Actual cost
Photocopies	\$0.10 per page
Postage	Actual cost
Telephone	No charge

13. Neither the Firm nor I request any lien on any retainer received in this case or on any property of the estate.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: _____

By: _____
Signature of proposed professional

Name: _____
Printed name of proposed professional

DECLARATION OF DEBTOR RE: DISCLOSURE OF RETAINER FEE PAYMENT SOURCE

I, _____, am the Debtor in this case.

- ☐ I paid \$ _____ to _____ from my funds.
- ☐ I caused to be paid \$ _____ to _____ pursuant to our initial retainer agreement, and have agreed that fees are to be billed against this amount.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: _____

By: _____
Signature of Debtor

Name: _____
Printed name of Debtor

**DECLARATION OF PROFESSIONAL IN SUPPORT OF MOTION FOR ORDER
SHORTENING THE INTERVAL BETWEEN FILING INTERIM FEE APPLICATIONS**

I, _____, have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto.

I ☐ am ☐ am a member of the proposed _____ (type of professional) for the Debtor in this case.

1. Prior to the commencement of this case, the Debtor paid a retainer against fees of \$ _____. The Debtor's retainer will be exhausted through service rendered within approximately _____ days of the petition date.

2. It will be a hardship to perform services for the estate without compensation for a period in excess of 120 days (the minimum period between interim fee applications set forth in LBR 2016-1(a)(2)(A) plus notice of hearing), because _____

3. This hardship would be avoided by shortening the interval between interim fee applications to _____ days.

4. Any interim application filed by (name of professional) _____ will comply with the LBRs, including LBR 2016-1(a)(1)(A), requiring that an interim application address, among other things, whether a plan has been filed and if not, the prospects for reorganization and the anticipated date for the filing of a plan, the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on _____, 20__ at _____, California.

Date: _____

By: _____
Signature of professional

Name: _____
Printed name of professional

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER EMPLOYING PROFESSIONAL [LBR 2014-1]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature